

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Newport News) Division

In Re: Deedra Lydia Smallwood

Case No. 13-50887-FJS  
Chapter 13

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EverBank (EverHome, Servicer)  
vs.

Deedra Lydia Smallwood, Debtor

Respondents

**NOTICE OF OBJECTION TO DEBTOR'S CHAPTER 13 PLAN  
AND HEARING THEREON**  
**Real Property at 371 Advocate Court B, Newport News, Virginia 23608**

EverBank (EverHome, Servicer) herein, has filed papers with the court objecting to debtor's chapter 13 plan. Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

The hearing is scheduled for August 23, 2013 at 9:30 a.m. at Newport News Courtroom, U.S. Courthouse, 2400 West Avenue, Newport News, VA.

DATE: July 29, 2013

/s/ Abby K. Moynihan, Esq.  
Attorney for Creditor  
312 Marshall Avenue, Suite 800  
Laurel, MD 20707  
301-490-1196  
[bankruptcyva@mwc-law.com](mailto:bankruptcyva@mwc-law.com)  
Bar No. 79686

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, first class, postage prepaid, on July 29, 2013, to Deedra Lydia Smallwood at 371 Advocate Ct , #B, Newport News, Virginia 23608. Copies were sent electronically via the CM/ECF system to Steve C. Taylor, Attorney for Debtor and Michael P. Cotter, Trustee.

/s/ Abby K. Moynihan, Esq.

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**OBJECTION BY SECURED CREDITOR TO PROPOSED PLAN**

Comes now the secured creditor, EverBank (EverHome, Servicer), which holds a Deed of Trust secured by the Debtor's real property at 371 Advocate Court B, Newport News, Virginia 23608, by and through its attorney, Abby K. Moynihan, Esq., and objects to the proposed plan and to confirmation and for reason therefore states as follows:

1. The Debtor has proposed a plan which includes a total payment of \$7,960.00 for arrearages owed to EverBank (EverHome, Servicer).
2. The secured creditor, EverBank (EverHome, Servicer), anticipates filing a Proof of Claim with arrearages in the approximate amount of \$14,440.34.
3. The plan as proposed by the Debtor would therefore be insufficient to pay the claim of EverBank (EverHome, Servicer).

Wherefore the Secured Creditor prays this court to enter an Order

1. Denying confirmation of the proposed Chapter 13 Plan, or alternatively

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2. Modifying the Chapter 13 Plan to provide for payment in full of the Claim filed by the secured creditor, or alternatively

3. For such other and further relief as the Court deems appropriate.

Respectfully submitted:

/s/ Abby K. Moynihan, Esq.  
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/s/ Abby K. Moynihan, Esq.